

Agenda Item	6.5
Report No	PLS 058/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 7 August 2019

Report Title: 19/02069/FUL: B & L Properties Ltd
Ross House, 14 Ardross Street, Inverness, IV3 5NS

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Construction of 8 new mews style serviced apartments to the rear of Ross House

Ward: 13 – Inverness West

Development category: Local

Reason referred to Committee: 5 or more objections

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is to construct eight mews style serviced apartments to the rear of Ross House.
- 1.2 Site access will make use of the existing access from Ardross Street to the side of Ross House.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Design Brief
- 1.5 Variations: Minor variations were made to the design of the building. These included a change to the external materials, a change to the roof style, making the overall building slightly narrower to take it away from the boundaries.

2. SITE DESCRIPTION

- 2.1 The site is to the rear of the two storey Category B Listed Ross House and within the Inverness Riverside Conservation Area. The adjoining properties are terraced to the east and detached to the west. Ross House itself is set back 3m from these terraced frontages and has an open parking area to the east of the site creating a break in the streetscape. To the rear of this parking area is a modern single storey flat roofed building which would be demolished as part of the proposal.
- 2.2 Ardross Place is to the north and rear boundary of the site, and comprises a single lane one-way street, with a mix of detached / terraced, single and 1½ - 2 storey properties, all separated from the site by a 2m high masonry wall.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|-------------------------|
| 3.1 | 21.10.2004 | 04/00336/FULIN Erection of semi-detached town house block within grounds of Ross House and the demolition of single storey building. | Application refused |
| 3.2 | 22.10.2004 | 04/00355/LBCIN Listed building consent for erection of semi-detached town house block within grounds of Ross House and the demolition of single storey building | Application refused |
| 3.3 | 20.12.2018 | 18/03108/FUL Demolition of existing flat roofed building & construction of new infill apartment block comprising eight serviced apartments (as amended) | Application refused |
| 3.4 | 22.10.2018 | 18/04015/LBC Re-development & change of use of existing office building to form eight serviced apartments | Listed Building Consent |

3.5	14.11.2018	18/04690/FUL Change of use from offices to 8 serviced apartments	Permission granted
3.6		19/02215/LBC - Serviced Apartments	Pending consideration

4. PUBLIC PARTICIPATION

4.1 Advertised: Affecting a Conservation Area and Setting of a Listed Building

Date Advertised: 24.05.2019

Representation deadline: 14.06.2019

Timeous representations: 9 from 8 households

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Nature and layout of proposed buildings will be overbearing;
- b) Car parking;
- c) Noise and disturbance;
- d) Proposed building is likely to affect the daylight of houses on Ardross Place;
- e) Proximity of proposed building to Ross House;
- f) Modern design is out of keeping with historic environment;
- g) Density of development.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Transport Planning Team:** No objection subject to developer contributions towards sustainable transport projects in Inverness in lieu of the shortfall of car parking and an area for bins awaiting collection at the main entrance to the site.

5.2 **Historic Environment Team:** No objection following changes made to the design.

5.3 **Transport Scotland:** No objection

5.4 **Scottish Water:** No objection

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design

29 - Design Quality & Place-making

31 - Developer Contributions

34 - Settlement Development Areas

44 - Tourist Accommodation
57 - Natural, Built & Cultural Heritage

6.2 **Inner Moray Firth Local Development Plan 2015**

No site specific policies apply.

6.3 **Highland Council Supplementary Planning Policy Guidance**

Developer Contributions (March 2013)

Highland Historic Environment Strategy (Jan 2013)

Inverness City Centre Development Brief (ICCDB) (2018)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority to pay special attention to the desirability of preserving a listed building or its setting or any of the features of special architectural or historic interest which it possesses.

8.4 Furthermore, with respect to any buildings or other land in a Conservation Area, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Determining Issues

8.5 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.6 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) design and density;
- c) residential amenity;

- d) access, car parking and servicing;
- e) any other material considerations.

Development plan/other planning policy

- 8.7 The Development Plan supports the principle of re-introducing residential accommodation in the form of serviced apartments specifically for tourist accommodation in the city centre.
- 8.8 Provided the proposals deliver high quality development that makes a positive contribution to the visual and spatial character of the Conservation Area, has no adverse effect on the setting of the adjacent listed building, and will have no significant detrimental impact on individual or community residential amenity or existing infrastructure it would accord with the Development Plan.

Design and Density

- 8.9 The proposal is for a mews-style development to the rear of Ross House, a Category B Listed Building in the Inverness: Riverside Conservation Area. The proposal is intended to be similar in design and form to an ancillary service building or stable block, subsidiary in scale and massing and with lesser quality materials than the parent building. The building footprint is 34.5m x 5.5m, and is 6.25m high. External materials are off white K-rend to the walls, with a 35° pitch standing seam zinc roof and panels of vertical timber cladding to some of the first floor walls facing Ardross Place. Access to the upper 4 units is from recessed external stairs facing Ross House. The proposal relates and responds directly to Ross House. The relationship with Ardross Street, from which it will be visible in part, is secondary but still of importance in terms of the character of the Conservation Area.
- 8.10 The previous proposal (18/03108/FUL) took a very different approach and proposed an infill development that would have been an integral part of, and related directly to Ardross Street. There is no historic precedent for mews development or any substantial outbuildings in Ardross Street. Nonetheless, the current proposal would have the advantage of retaining the historic plot pattern as well as the long established grain and rhythm of the historic buildings fronting Ardross Street. The proposal is set back into the site which will reduce the impact from Ardross Street further, although in terms of footprint it is much more extensive than a typical historic outbuilding associated with a building the size of Ross House.
- 8.11 In terms of design, the applicant has slightly reduced the size of the overall development and changed the mansard roof to a more traditional pitched roof to address concerns raised by the Historic Environment Team. Brick was originally the primary material utilised by the proposal, but on advice from the Historic Environment Team, the applicant has changed the brick largely to render. Following these various amendments, it is considered that the design solution now presented accords with the Inverness City Centre Development Brief Placemaking principles, has no significant adverse impact on the setting of the Listed Building or the character and/or appearance of the Conservation Area and is therefore acceptable.

Residential Amenity

- 8.12 A number of concerns have been raised by neighbouring residents relating to daylight, sunlight and overshadowing as a result of the proposal. In response to this, the applicant was asked to provide information demonstrating the impact of the building on daylight and sunlight for properties in Ardross Place. Using the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011), the applicant has demonstrated that adequate daylight to interiors is achieved at an unobstructed 25 degree angle from a point 2m above floor level at the facade of the building. Applying the BRE guidelines, for the single and two storey properties to the rear, the development complies. Looking at the angle of the sun in midsummer, the development does not cause any overshadowing. The angle of the sun in midwinter indicates that Ross House itself will cause some overshadowing at this point in the year, but the proposed development will not have any additional impact on the current situation.
- 8.13 While it is accepted that the proposed building, along the boundary wall of Ross House, will be immediately across the road from the Ardross Place properties, it should be recognised that this is within the defined city centre in the Development Plan, where higher density developments must be accepted. It is appreciated that this is a significant change for the residents of Ardross Place, but this in itself is not a reason to refuse an otherwise appropriate development.

Access, car-parking and servicing

- 8.14 The site layout shows a total of 9 car parking spaces, one of which is designed for a disabled person. The single car parking space adjacent to Ross House restricts the amount of space cars have to reverse out of the two first car parking bays to just under 6 metres but the layout is acceptable.
- 8.15 The maximum requirement for car parking for hotels/tourist accommodation as set out in 'Roads and Transport Guidelines for New Developments' as 1 space per bedroom and 1 space per 3 staff. Also taking into account the Planning Permission (18/04690/FUL) for Ross House (8 serviced apartments), the required number of car parking spaces for the whole of the site is 16 spaces. No information has been provided regarding the number of staff employed to service the apartments so two additional spaces for staff has been assumed taking the required maximum number to 18 car parking spaces. Therefore based on the Council's car parking standards there is a shortfall of 9 car parking spaces.
- 8.16 The Transport Planning Team has assessed the car parking demand based on data from Visit Scotland. Using an occupancy rate of 82% and a modal split of 70% of people travelling to the Highlands by car, it is estimated that a total of 9 car parking spaces will be required. However, this does not include any car parking provision for staff which is estimated to be at least two spaces.
- 8.17 The Developer Contributions Guidance states that where car parking standards cannot be achieved reduced levels may be acceptable in lieu of an up-front commuted sum towards mitigating the impact of the development. The Transport Planning Team has confirmed that it would have no objection to this application,

subject to a developer contribution in lieu of two car parking spaces. The applicant has confirmed that it is willing to make this contribution and on that basis it is considered that the car parking is acceptable for this city centre location.

- 8.18 The development would share the existing Ross House vehicular and pedestrian access onto Ardross Street and this is considered to be acceptable. Cycle and bin storage is to be provided to the east of the units adjacent to the small office/storage space. Refuse and recycling uplift is kerbside on Ardross Street and this arrangement would continue for this development.

Other material considerations

- 8.19 There are no other material considerations.

Non-material considerations

- 8.20 The issue of loss of views and noise are not material planning considerations.

Matters to be secured by Section 75 Agreement

- 8.21 a) Transport Planning has advised that for this development, alongside the conversion of Ross House, there are 2 parking spaces less than required. As per the Inverness City Centre Development Brief, the Council will accept reduced levels of car parking in the city centre and a financial contribution of £3,200 (subject to indexation with sum reflecting Q3 2017 of the BCIS All-in Tender Price Index) per car parking space under the minimum requirement should be paid towards active travel provision. This figure currently is £3,449.35 at Q2 2019.
- b) Turning to other contributions, the Development Plans Team has also advised that, as this proposal is for tourist accommodation, a contribution towards the delivery of the Wayfinding Strategy for Inverness City Centre is required. The wayfinding contribution for this development shall comprise the cost of manufacturing and installing one fingerpost (£4,190 each at Q2 2018 - this is currently £4,306.75) in the vicinity of the site, identified as post FP/21 in the Draft Wayfinding Strategy.
- 8.22 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application shall be refused under delegated powers.

9. CONCLUSION

- 9.1 The site is located within the defined city centre, where the Development Plan supports the introduction of tourist accommodation, subject to ensuring that there would be no significant adverse impact on individual or community residential amenity.
- 9.2 The application has been accompanied by supporting information demonstrating that the impact on the amenity of existing properties with regards to sunlight and

daylight will not be significant. The proximity to properties on Ardross Place is considered to be acceptable in the context of the city centre.

- 9.3 The design, massing, choice of materials and positioning within the plot of the proposed building is considered to be acceptable within the context of the historic environment, with it set back from the principal Ardross Street frontage, and subservient to both Ross House and No.13 Ardross Street to the east. Accordingly, the proposal is assessed as not impacting on the Ardross Street streetscene. Furthermore, as a result of this massing, choice of materials and positioning within the plot, the proposal will not have any adverse impact on the character or appearance of the Conservation Area, or the setting of Ross House.
- 9.4 Therefore, it is considered that the proposal does meet the requirements of s59 of the Act with respect to paying special attention to the desirability of preserving the Listed Building and its setting; and s64 of the Act in relation to both preserving and enhancing the character and appearance of the Conservation Area.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. No development shall commence until a plan identifying an area for bins awaiting collection to be stored at the main entrance to the site from Ardross Terrace has been submitted to, and agreed in writing by, the Planning Authority. The development shall be undertaken in accordance with the agreed details.

Reason: In the interests of pedestrian and traffic safety.

2. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and agreed in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with the agreed details.

Reason: In order to safeguard the character and appearance of the conservation area.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning

Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Elaine Watt
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Site Plan I.7045-007-A
Plan 2 - Floor Plan I.7045-008-A
Plan 3 - Elevations I.7045-009-A
Plan 4 - Location Plan A-001
Plan 5 - Existing Site Layout Plan A-012



PLANNING

Revision	Description	Date

LOCATION PLAN

Ross House Ardross Street Inverness

Scale:	Date:	Lead:	Drawn:	Checked:
1:1250@ A3 or as noted	06.02.18	AB	GF	XX

Project Number:	Drawing:	Revision:
1.7045	A/001	

NO 11

NO 10

NO 9

NO 8

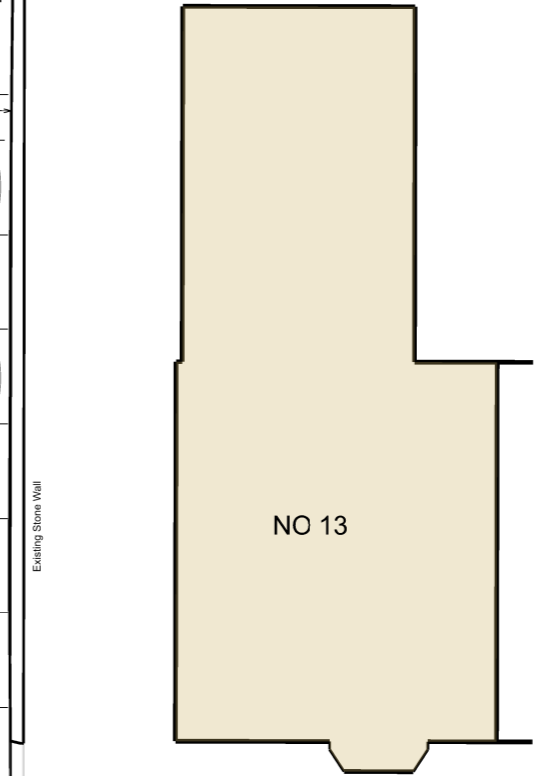
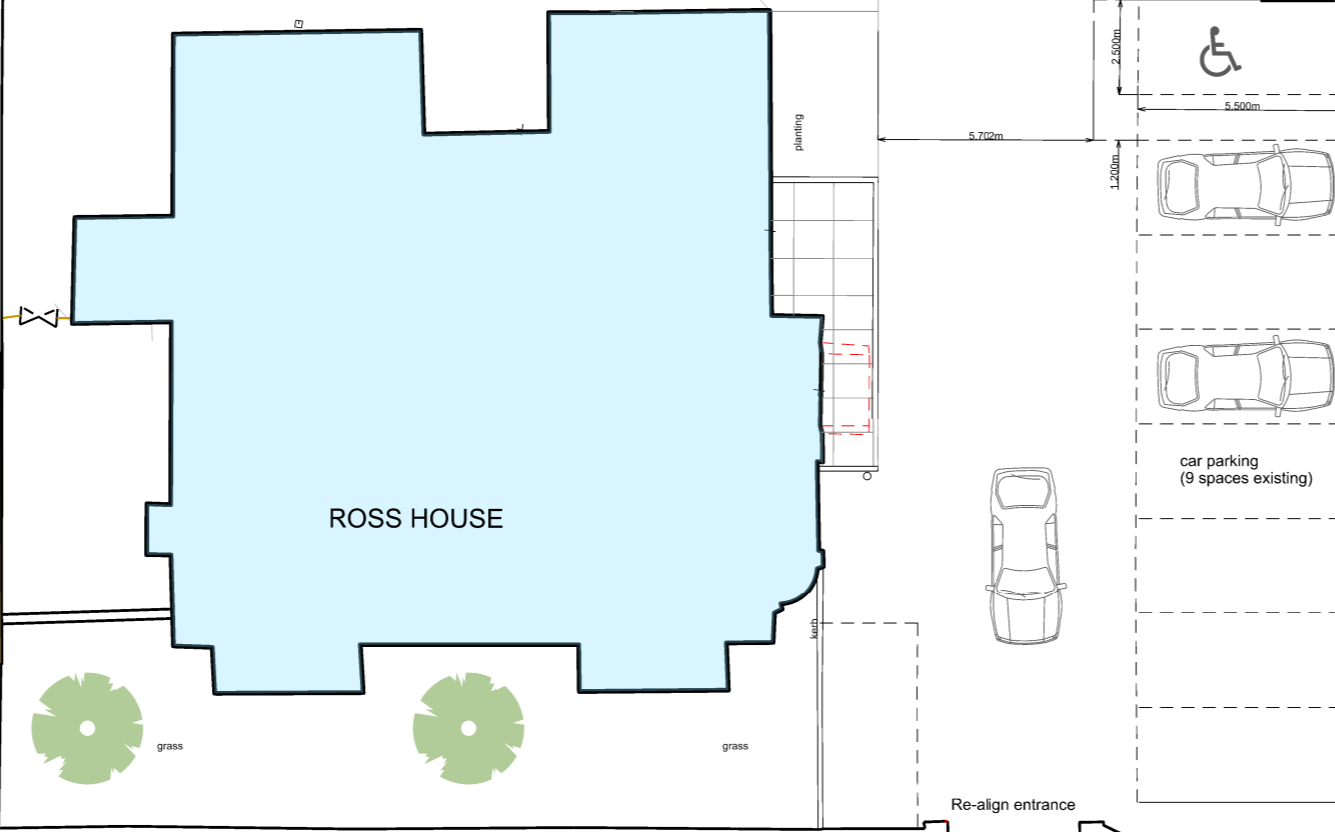
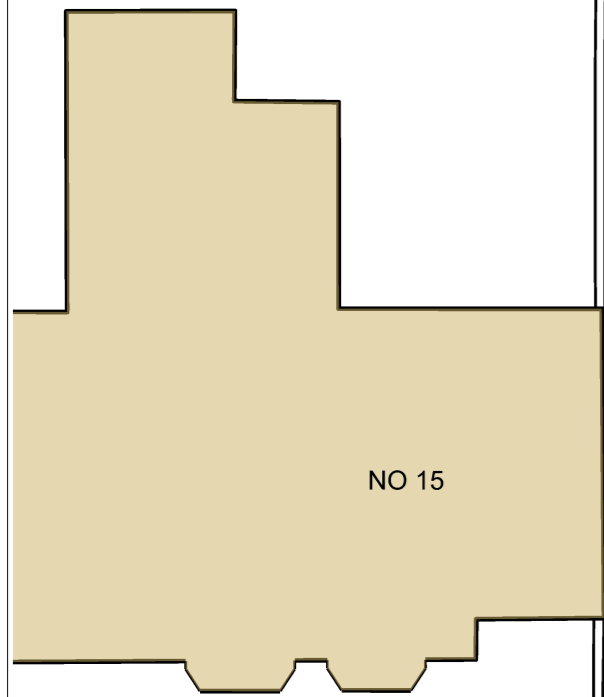
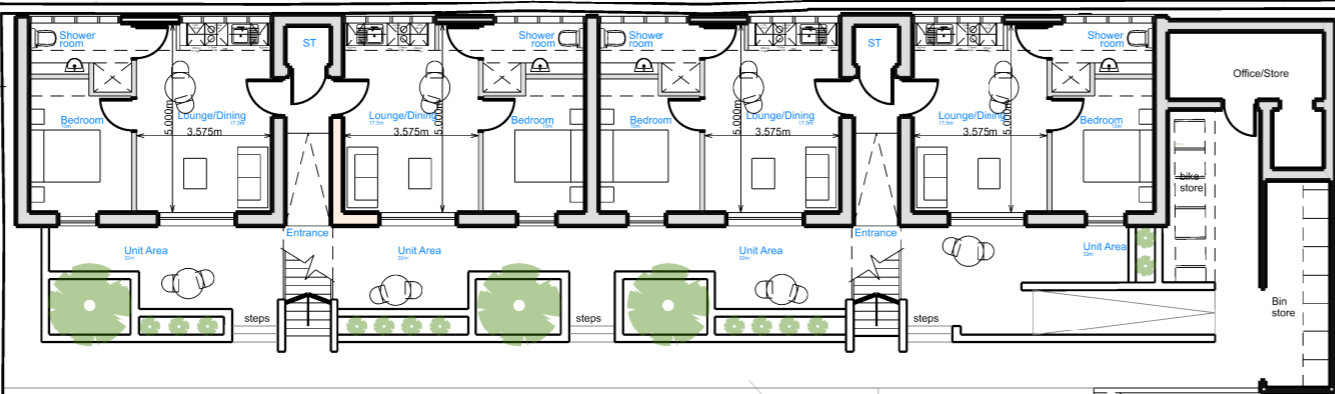
NO 7

ARDROSS PLACE

HRI | Munro architecture

62 Academy Street Inverness IV1 1LP
t: 01463 240066 f: 01463 717247
admin@hri-architects.com

www.hri-architects.com



NO 15

ROSS HOUSE

NO 13

ARDROSS STREET

Rev	Description	Date
-----	-------------	------

PLANNING

**PROPOSED
SITE PLAN**

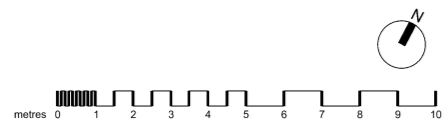
**Ross House
Ardross Street
Inverness**

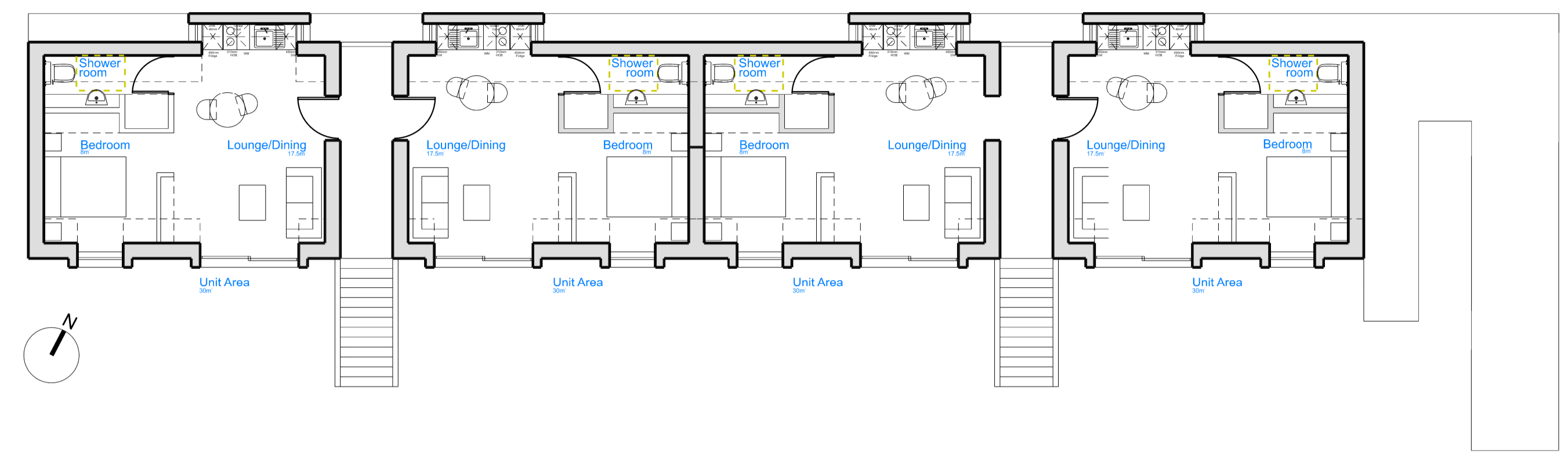
Scale:	Date:	Drawn:	Checked:
1:200@ A3 or as noted	06.02.18	GF	XX

Project Number:	Drawing:	Revision:
-----------------	----------	-----------

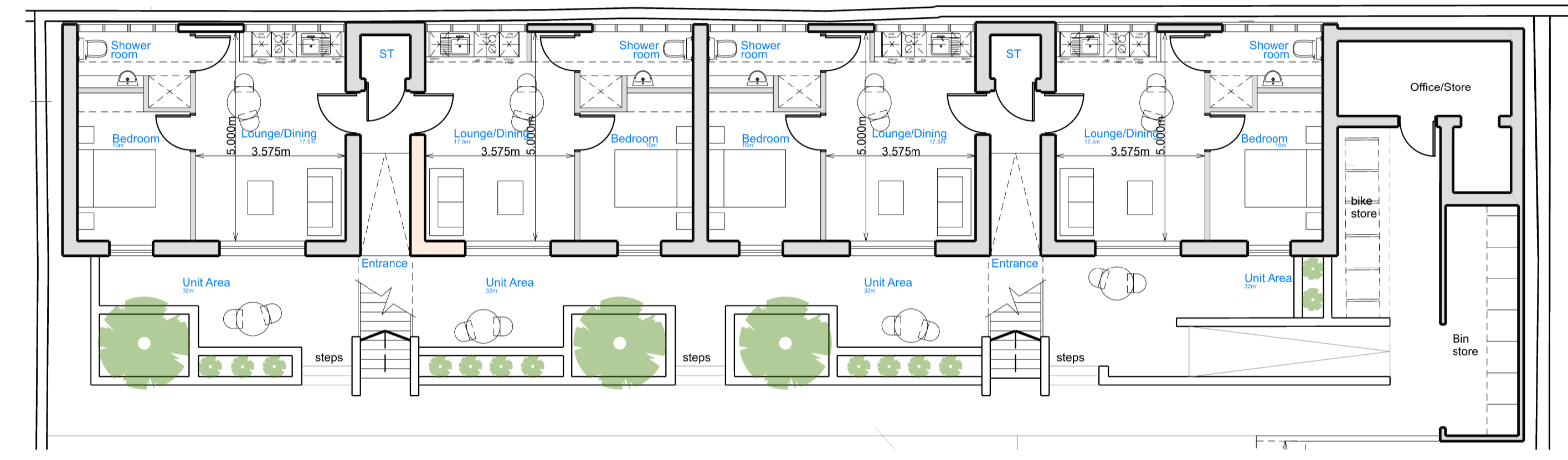
1.7045 007 A

© HRI Architects Ltd. All rights reserved.





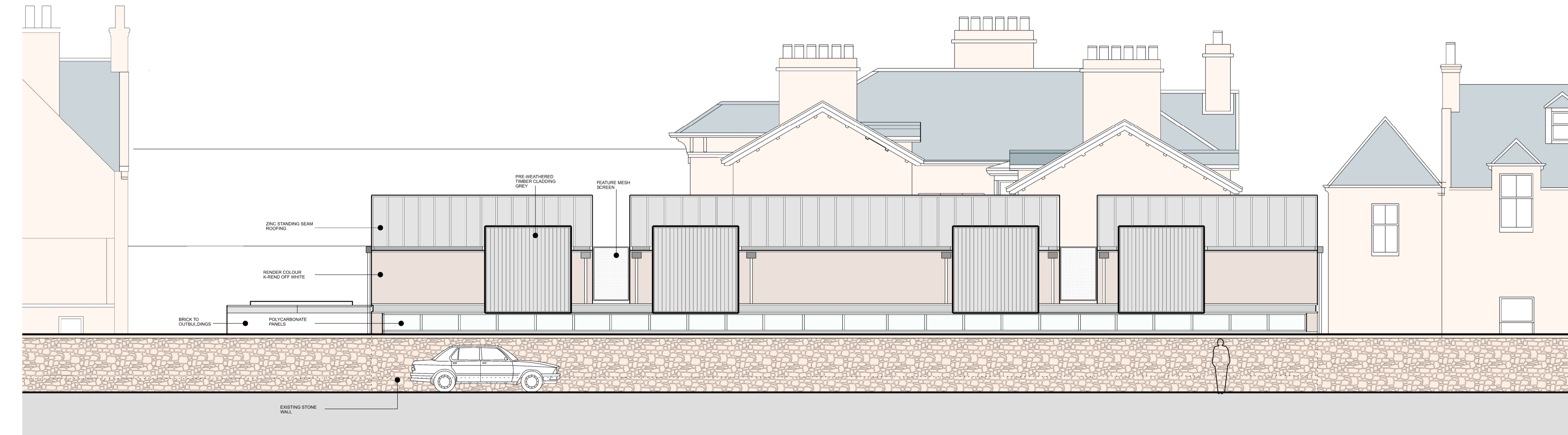
2 FIRST FLOOR
Scale 1:100 @ A1



1 GROUND FLOOR
Scale 1:100 @ A1



3 ACROSS ST ELEVATION
Scale 1:100 @ A1



4 ACROSS PLACE ELEVATION
Scale 1:100 @ A1

PLANNING		
Revision	Description	Date

Ross House
Across Street
Inverness

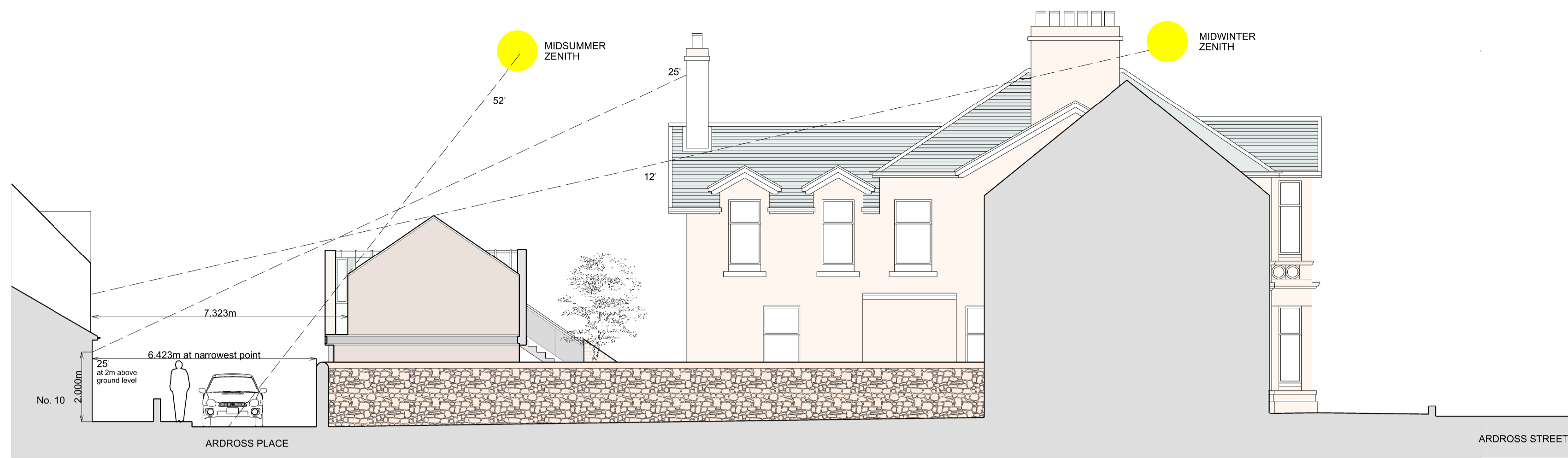
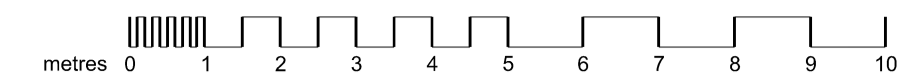
PROPOSED PLANS & ELEVATIONS

Scale:	Date:	Lead:	Drawn:	Checked:
1:100@ A1 or as noted	21.01.19	AB	GF	XX

Project Number:	Drawing:	Revision:
1.7045	008	A

© HRI Architects Ltd. All rights reserved.

Development designed in accordance with recommendations in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011). This indicates that adequate daylight to interiors is achieved at an unobstructed 25° angle from a point 2m above floor level at the facade of the building.



1 SIDE ELEVATION
Scale 1:100 @ A1



2 CROSS SECTION
Scale 1:100 @ A1



3 SIDE ELEVATION
Scale 1:100 @ A1



4 ARDROSS ST ELEVATION
Scale 1:100 @ A1

PLANNING

Revision	Description	Date
B	Shading information added	05/07/19

Ross House
Ardross Street
Inverness

PROPOSED PLANS & ELEVATIONS

Scale:	Date:	Lead:	Drawn:	Checked:
1:100@ A1 or as noted	21.01.19	AB	GF	XX

Project Number:	Drawing:	Revision:
1.7045	009	B